

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
December 2, 2003

Meeting was called to order at 6:30 p.m. by Council President Dirksen.

City Council Present: Council President Dirksen, Councilors Moore, Sherwood and Wilson.

- STUDY SESSION

- Councilor Moore will speak at the services for Mayor Griffith on behalf of the City of Tigard.
- Angela Jensen, Student envoy from the Tigard High School will speak during the visitor's agenda. Dan Murphy of the Tigard Chamber of Commerce cannot attend. The Chamber holiday lunch was scheduled for December 9, but has been cancelled since it is the same day as the funeral services for Mayor Griffith.
- Council discussed process for the public hearing on Bull Mountain. Staff report will take about 20 minutes. After the staff report Councilor Dirksen will note that Council has discussed the possibility of postponing the annexation plan ballot measure until November 2004. In the interim a number of subcommittees will be formed to research and respond to issues raised from Bull Mountain residents who have attended Coffee Talks and the Open House meeting on November 19. The Council will not make a decision tonight. Oral testimony will be received at this hearing; written testimony will be requested and the Council will set a deadline for submittal of the testimony.
- Council decided to hold the two Coffee Talks scheduled in December: December 10 will be attended by Councilor Wilson and the Talk of December 18 will be attended by Council President Dirksen.
- A CPO4b meeting will be held on December 4 at Deer Creek Elementary at 7 p.m. Council President Dirksen and Councilor Wilson will attend.
- Councilor Sherwood advised that she will be serving for the next year on the Regional Affordable Housing Task Force.
- City Manager Monahan noted that there is a ribbon cutting ceremony scheduled for the Bonita crosswalk at 9 a.m. on December 4.
- Council President Dirksen and Community Development Director Hendryx will attend a meeting regarding urban renewal at 2 p.m. in Beaverton on December 4.
- There was brief discussion about the Council's options for filling a vacancy on the Council. Information was distributed to the Council

members. City Attorney Ramis noted that there are a range of choices for the Council to consider. This matter will be discussed further on December 16. Council members commented that they would like to wait until after the first of the year decide upon what should be done about the vacancy of the Mayor's position. A goal-setting session is scheduled for January 12, which may be one reason why Council members thought they might want to make a decision by that time if possible.

- City Manager Monahan advised that the Griffith family has requested that donations in memory of Mayor Griffith be made to the Tigard Skatepark. City Manager suggested that the Council review in late January some guidelines to give to the Skatepark Task Force regarding when the property would be available for the park and to obtain from the Skatepark a commitment about when they anticipate they would have completed their fundraising.

Council meeting recessed at 7:03

Council business meeting convened at 7:27 p.m.

Council President Dirksen called the meeting to order. He noted the passing of Mayor Jim Griffith on November 28, 2003. He asked for a moment of silence in memory of Mayor Griffith.

Council President Dirksen said he thought the Mayor would want the business of the City to move forward and he and the City Council proceeded to review the agenda items before them.

2. VISITOR'S AGENDA

- Tigard High School Student Envoy Angela Jensen gave a report on the activities at Tigard High School.

3. CONSENT AGENDA: Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes for October 20, 21 and 28, November 4, 2003
- 3.2 Authorize the Issuance of a Limited Tax Improvement Bond for the Remaining Unpaid Assessments for the Dartmouth Street Local Improvement District – Resolution No. 03-63
- 3.3 Local Contract Review Board:
 - a. Award Three-Year Contract with JBI&K for Insurance Agent of Record Services
 - b. Award Contract to LRS Architects, Inc., for City Hall and Existing Library Facilities Remodel and Construction Oversight

- 3.4 Approve Budget Amendment No. 11 Transferring One Position from Network Services to Police and Adjusting Appropriations – Res. No. 03-64
- 3.5 Approve Continued Participation in the International Resource Cities Program – Resolution No. 03-65

The motion was approved by a unanimous vote of Council present:

Council President Dirksen	--	Yes
Councilor Moore	--	Yes
Councilor Sherwood	--	Yes
Councilor Wilson	--	Yes

4. &

5. PUBLIC HEARING (LEGISLATIVE) – BULL MOUNTAIN ANNEXATION PLAN (ZONE CHANGE ANNEXATION [ZCA] 2003-00003/ZONE CHANGE ANNEXATION [ZCA] 2003-00004/ZONE CHANGE ANNEXATION [ZCA] 2003-00005/ZONE CHANGE ANNEXATION [ZCA] 2003-00006)

ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005, 2003-00006 BULL MOUNTAIN ANNEXATION PLAN

REQUEST: The City of Tigard is proposing to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. State law allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves the annexation proposal, it would set a date for the proposal to be placed on the ballot. **LOCATION:**

The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. For specific boundary, see vicinity map.

ZONE: The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet). **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapter 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapters 195.205 and 222; and Metro Code Chapter 3.09.

- a. Council President (Mayor Pro Tem) Dirksen opened both the annexation plan and ballot measure (see Item No. 5) hearings so that testimony could be taken on both items. Council President Dirksen advised the audience of guidelines for the public hearings noting that the intention was to hear the staff report and conduct the public hearing. The Council would not make a decision about the annexation plan tonight; the hearings would be continued to December 16, 2003.

- b. A staff report was given by Community Development Director Jim Hendryx, highlighted by a PowerPoint presentation, the presentation is on file with the City Recorder. Staff recommended approval of the Annexation Plan.

Council President Dirksen advised the audience that in light of citizen input received to date, the Council had discussed an option of postponing the ballot measure from March 2004 to November 2004. The interim months would be used to form subcommittees to review and respond to issues raised including questions about parks, police, street maintenance, engineering, etc. The subcommittees would include staff members from Tigard and Washington County and citizen representation from CPO4b. County Chair Tom Brian and County Commissioner Roy Rogers indicated they would lend their full cooperation and support to this review process and would be happy to provide staff services. If it is determined to place this issue on the ballot in November 2004, the current proposal would be that the area would not come in to the City in phases, but would be annexed all at once. One drawback is that the County was committed to collecting parks systems development charges once the City of Tigard had approved a ballot measure for an annexation plan. There is a question about whether the County would delay collecting these charges to coincide with the delay in the process referred to above.

Councilor Dirksen gave a brief review of guidelines for testimony asking that people limit testimony to three minutes; testimony should not be repeated.

There was discussion about the large number of people in attendance, including individuals who were in the lobby. It was determined that one of the lobby speakers was not working. The volume was turned up on the other lobby speaker so that people in the lobby could hear the proceedings. There was a request for a change in location of the hearing; however, City Attorney Ramis said the City has made a reasonable attempt to accommodate those attending the hearing; legal requirements were met. All people who signed up on the testimony sign-in sheets will be allowed to speak.

- c. Public Testimony:
Proponent:

- Bob Meurisse, 14145 SW 164th Avenue, Tigard, Oregon spoke in favor of the annexation plan noting his belief that Bull Mountain residents should join the City of Tigard so that they would be paying for facilities and services provided by the City. He said it was imperative to incorporate the Bull Mountain area for a more sustainable overall sense of community.

Opponents:

- Stuart Byron, 15650 SW 133rd Avenue, Tigard, OR noted:
 - Concern about the way the development has occurred to date in the area, citing poor planning.
 - No tangible benefits from annexation have been identified for the Bull Mountain residents.
 - Codes should be changed for better planning purposes.
- Tom Jacobs, 14860 SW 139th, Tigard, OR noted:
 - Support of a city moratorium on building permits until the annexation plan is in action.
- LaVelle Day, 14055 SW High Tor, Tigard, OR noted:
 - Concerns about whether the ORS 195 process for annexation is the best process to be using for this situation.
 - Request that the annexation plan provide for controls in protection of views from properties.
 - Concerns about the one-year delay before the City would assume responsibility for roads and streets and questioned whether the City would be responsible for maintenance.
- Guy L. Haynes, 16269 SW O'Neill Ct., Tigard, OR noted:
 - Charged that the City is looking to annex Bull Mountain because it is a "plum" and the reason for annexing is to collect additional taxes from this area without a corresponding benefit to the Bull Mountain residents.
 - Services received from Washington County meet the needs of the residents.
 - Request that benefits of annexation for residents be specifically identified.
- Madalyn Utz, 14880 SW 133rd, Tigard, OR noted:
 - Concerns about the burden of higher taxes.
 - Notation that the Bull Mountain residents use the area's transportation system, but so does "half of Portland."
 - Referred to problems of Pacific Highway and lack of good planning.
 - Concerns about building density that is occurring.
 - Suggested a fee be charged to non-Tigard residents for the Library and parks.
 - Noted volunteer services given by Bull Mountain residents to Tigard causes.

- Concerns that this process has created an adversarial situation.
 - Concerns that the beauty of the area be protected.
 - Want of a government that cares for citizens and listens to citizens' concerns.
- Ellen Beilstein, 14630 SW 19th Avenue, Tigard, OR noted:
 - Desire to maintain the rural character on Bull Mountain.
 - Concern that comprehensive planning needs to be done with citizen participation.
 - Applauded the idea of forming subcommittees of staff and citizens to review the issues noted by residents about the Bull Mountain Annexation Plan.
 - Alice Ellis Gaut, 100947 SW Chateau Lane, Tigard, OR noted:
 - Her efforts with the "Take Back Tigard" group and charged that Tigard needs to take care of planning issues and update its code and comprehensive plan before looking to annex Bull Mountain area.
 - Ron Ellis Gaut, 10947 SW Chateau Lane, Tigard, OR noted:
 - Support for the delay to November to address questions and to use time for voter education.
 - Concern there has been no emphasis toward education City of Tigard voters.
 - Noted opposition because it feels like a hostile take over.
 - What benefits would there be for City of Tigard citizens should this annexation take place?
 - Virginia Dean, 14305 SW 144th, Tigard, OR noted:
 - She had at one time lived in the City of Tigard (1951) and lived there until the taxes began to increase, saying she believes the taxes were one-third less on Bull Mountain than they were when she was in Tigard.
 - Concerns that the trees around her are growing taller than they should be allowed.
 - Teddi Duling, 15421 SW 145th Terrace, Tigard, OR noted:
 - Sheriff's department has been responsive and is concerned that with annexation, there would be less police protection.
 - Jim Duling, 15421 SW 145th Terrace, Tigard, OR noted he concurred with earlier testimony.

- Lisa Hamilton-Treick, 13565 SW Beef Bend Road, Tigard, OR noted:
 - Community character and quality of life issues were not addressed.
 - Annexation Plan has been described as "adequate," and "adequate" is not acceptable – should work towards "excellence."
 - More citizen input is needed.
 - Noted appreciation of Council's "genuine efforts" to look again at this issue.
- Todd Marshall, 14245 SW Bull Mountain Road, Tigard, OR noted:
 - He "likes the way it is now," and doesn't want anymore development.
 - Concurred with previous testimony.
 - Services for police and roads are now adequate.
- Julie Russell, 12662 SW Terra View, Tigard, OR noted:
 - Concerns with safety on Beef Bend Road and Bull Mountain Road and what plans would there be for capital improvements and when would these take place?
 - Concerns with the density of development that has taken place.
 - She is happy with the service the Sheriff's office is giving the area.
 - Concerns about how the Alberta Rider School area will be allowed to develop.
- Tom Fergusson, 14850 SW 141st Avenue, Tigard, OR noted:
 - There are many areas in the City of Tigard that do not have contiguous sidewalks; Tigard needs to look at its own infrastructure.
 - A request for answers to questions such as: Will residents be required to hook up to sewers, pave gravel roads, construct sidewalks?
 - People are frustrated by the lack of control and want to have questions answered.
 - Does not want the Bull Mountain area to look like the rest of Tigard.
- Noel Bauer Stevens 15130 SW 141st Avenue, Tigard, OR noted:
 - Concurred with most of what previous speakers had said.
 - People get frustrated with lack of control and want to have their questions answered.
 - She does not want to have where she lives look like the City of Tigard.
- Richard Gaunt, 14875 SW 141st Avenue, Tigard, OR noted:
 - He concurred with many of the previous speakers.
 - He referenced an earlier meeting where he understood City of Tigard officials to say that nothing would happen on annexation without the approval of voters on Bull Mountain.
 - He does not want higher taxes.

- Ken Henschel, 14530 SW 144th Avenue, Tigard, OR noted:
 - Will there be any guarantees that tax dollars contributed by Bull Mountain would be spent on Bull Mountain? Suggested that in the first five years, all tax dollars generated by Bull Mountain be spent on Bull Mountain.
 - He agreed with many of the previous speakers' comments.
 - SDC's collected would take many years before there would be a chance to buy land for parks and there would be no guarantee that the dollars collected would be spent for parks on Bull Mountain.
 - Many people who live on Bull Mountain have performed community service for the city of Tigard.
 - Tigard residents are not paying a fee to use Bull Mountain roads.
- Holly Shumway, 14535 SW Woodhue Street, Tigard, OR noted:
 - Willing to wait for annexation until 2004 so that more planning could be done for park improvements on Bull Mountain.
 - Development is occurring at an alarming rate.
 - Thanked the City for what they have done with the County and indicated the need to reshape Tigard into a more livable city.
- G. Winterowd, 14749 SW Juliet Terrace, Tigard, OR noted:
 - Tigard is a great city known for accomplishments and listening to citizens. Past leaders have listened. 99% of Bull Mountain residents are against annexation.
 - Washington County has done an excellent job providing services; additional layers of government are not necessary.
- Wynne Wakkila, 15522 SW 141st Avenue, Tigard, OR noted:
 - Satisfied with services in Washington County; does not want to pay more taxes for something that is not needed.
 - Suggested that annexation of Bull Mountain would increase Tigard's tax revenue it collects by 50%.
 - Glad to be part of an unincorporated area.
- Steven C. Burke, 16147 SW Palermo Lane, Tigard, OR noted:
 - Wants more specificity; what has been presented is too vague.
 - Wants a ban on townhouses and row houses, noting that higher density development eventually declines in value.
 - Interested in serving on a subcommittee.
- Mary Deason, 14240 SW 144th Avenue, Tigard, OR noted:
 - Annexation would be of no benefit to her and suggested the City consider annexing the Metzger area.

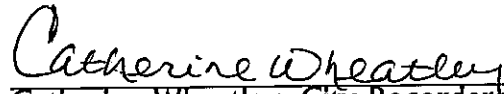
- Keshmira McVey, 13525 SW Beef Bend Road, Tigard, OR noted:
 - The Annexation Plan lacks substance.
 - Urban services standards identifying levels of services to be provided have not been identified.
 - Fearful that all Bull Mountain residents would receive is higher taxes without corresponding benefits.
 - Pointed out that the north area identified in the Annexation Plan is in the Beaverton School District.
 - So far, it "feels like a hostile take over."
- Dick Franzke, 14980 SW 133rd, Tigard, OR noted:
 - Discussion of legal issues regarding the annexation method chosen by the City; suggested the annexation procedure be validated.
 - Request that people of Bull Mountain and City of Tigard be allowed to vote separately (double majority).
- Bruce Stobbe, resident of 14795 SW 144th Avenue, Tigard, OR noted:
 - Questioned when a citizen of Bull Mountain could run for a City Council position. (If annexation is effective July 1, 2004, Bull Mountain residents would be eligible to run for a Council position in November 2004, if they have lived in the Bull Mountain or Tigard area for at least one year prior to the election.)
 - Concerns about how growth has occurred.
 - Concerns about whether the City has the resources to take over responsibility for the roads.
 - Does not want to be annexed.
 - Supported waiting until November to place this matter before voters.
- Tom August, 15707 SW Bristlecone Way, Tigard, OR noted:
 - Has TriMet service to the area been addressed?
 - Where would the park land be located?
 - Advised his contact with the City of Tigard was a negative experience and related to a time when he was cleaning up his yard.
- Gary Stevens, 15120 SW 141st Avenue, OR noted:
 - He has been a resident of the area for 25 years.
 - Concerned that there has been a lack of coordination between the City and County. Disappointed with the County with regard to the collection of parks system development charges.
 - Concern about availability and cost of land remaining for parks.
 - Looks like a tax grab; what planning has been done to provide for livability?

- Glen Kaufman, 15250 SW Bull Mountain Road, Tigard, OR noted:
 - Dissatisfaction with police response time from the City of Tigard.
 - Doesn't agree with "completing our community" statement and questioned what was incomplete for Tigard and Bull Mountain?
 - Lack of consistency because Council identified a phased-in approach and now may consider annexing the area all at once.
 - Appears that the only value will be for additional taxes for Tigard.
- Jim Fisher, 13883 SW 159th, Tigard, OR noted:
 - This action can be likened to a marriage and said that a plan is needed that shows how Tigard and Bull Mountain residents will benefit.
- Bob Rohlf, 12430 SW North Dakota, Tigard, OR noted:
 - Acknowledged Council members for their willingness to proceed with this meeting after their "profound loss" with the passing of Mayor Griffith.
 - Questioned why there were no citizens from the City of Tigard present to give their views? Has this annexation plan been explained adequately to the Tigard residents?


At the conclusion of the public testimony, the Council decided to proceed as follows:

- The Bull Mountain Annexation Plan and Proposed Ballot Title public hearings were continued to December 16, 2003, 7:30 PM, Tigard City Hall, Town Hall, 13125 SW Hall Blvd, Tigard, OR.
- The Council closed the oral public testimony segment of the hearing.
- The Council will accept written public testimony that is delivered to City Recorder Cathy Wheatley by noon on Thursday, Dec. 11, 2003.
- The hearing has progressed to the Council consideration segment of the hearing and the Council will consider the Bull Mountain agenda item during the December 16 Council meeting.

5. PUBLIC HEARING ON A BALLOT MEASURE FOR THE MARCH 9, 2004 ELECTION FOR A MEASURE EXPANDING THE TIGARD CITY LIMITS BY PHASED ANNEXATION (Note: This agenda item was combined with Agenda Item No. 4 above.)
6. ADJOURNMENT: 10:18 p.m.


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard
Date: 1-13-04

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